

REMARKS

The final Office action mailed on 10 June 2004 (Paper No. 51) has been carefully considered. Allowance of claims 3 thru 8, as noted in paragraph 7 of the Office action, is appreciated.

Claims 3, 6, 7, 9 and 12 are being amended. Thus, claims 3 thru 9, 11 and 12 are pending in the application.

In paragraph 3 of the Office action, the Examiner rejected claims 9, 11, and 12 under 35 U.S.C. §103 for alleged unpatentability over Jones, U.S. Patent No. 5,572,660 in view of Kakuta, U.S. Patent No. 5,583,876. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

Allowed independent claim 3 is being amended to replace "the most outer cylinder" by "a most outer cylinder" on line 6 of the claim. Claims 6 and 7 are being amended in an identical manner. The amendment of claims 3, 6 and 7 is being implemented in order to avoid a "lack of antecedent basis" objection to the claims. Thus, since these amendments are merely to improve form, allowance of these claims should not be affected, and the claims should remain in condition for allowance. In addition, for the same reasons, entry of this Amendment After Final is appropriate.

Independent claims 9 and 12 are being amended to replace the term “sequential” (appearing at line 5 of each claim) by the term “sequentially”, which is grammatically correct. Thus, that amendment is merely a matter of form.

In addition, claims 9 and 12 are being amended to recite that the first region is “disposed to sequentially store the parity information in sequential arrangement from a most outer cylinder in said first region” (emphasis supplied). This amendment is being implemented in order to distinguish the invention from the prior art cited by the Examiner.

Specifically, in paragraph 8 of the Office action, in discussing the arguments presented in the previous Amendment, the Examiner states that he “maintains that the embodiment 4 is properly interpreted as the recited sequential storing of parity in a region including the outermost cylinder, which is broader than the ‘sequentially arranged from the most outer cylinder’ as previously allowed in other claims” (quoting from paragraph 8, lines 9-12 of the final Office action). Thus, the Examiner apparently considers the recitation “sequentially arranged from the most outer cylinder” as contained in allowed claims 3, 6 and 7 to distinguish the invention from the prior art and to constitute the recitation of patentable subject matter.

Therefore, independent claims 9 and 12 are being amended to include the language pointed out by the Examiner in paragraph 8 on page 4 of the final Office action. For that reason, independent claims 9 and 12 should also now be in condition for allowance. This is

especially true since, as suggested by the Examiner in paragraph 8 of the final Office action, the prior art cited does not disclose or suggest a memory device having a first region disposed to sequentially store the parity information in sequential arrangement “from a most outer cylinder” in the first region, as now recited in claims 9 and 12.

Finally, it should be noted that the amendment of claims 9 and 12 does not raise “new issues” requiring further consideration and/or search. This is due to the fact that the Examiner has clearly previously considered the language in question in reviewing and allowing claims 3, 6 and 7. Thus, since the Examiner has previously consider this language, it is clear that the Examiner has previously searched for disclosures containing this feature, and therefore submission of this Amendment After Final does not raise new issues requiring further consideration and/or search. Thus, on that basis, this Amendment After Final should be entered.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment After Final.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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